

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CAMERON MCCARY,**  
**Plaintiff,**

**v.**

**CODY SIMCOX, *et al.*,**  
**Defendants.**

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**CIVIL ACTION NO. 24-CV-1922**

**ORDER**

AND NOW, this 7th day of July, 2025, upon consideration of Defendant Cody Simcox's Motion to Dismiss ("Motion to Dismiss" (ECF No. 18)), Plaintiff Cameron McCary's Responses thereto (ECF Nos. 22 and 27), McCary's Motion to Appoint Counsel (ECF No. 25), Motion for Counsel Reconsideration (ECF No. 33), Motion for Extension of Time (ECF No. 26), and Motion to Add Delaware County Back (ECF No. 31), it is **ORDERED** that:

1. For the reasons set forth in the Court's Memorandum, the Motion to Dismiss is **GRANTED IN PART** and the following claims are **DISMISSED WITH PREJUDICE**: Fourth Amendment search and seizure claim; Fourth Amendment false arrest claims arising from the August 2019 and January 2020 arrests; First Amendment retaliation claim arising from the January 2020 arrest; state law claims for false imprisonment arising from the August 2019 and January 2020 arrests; and state law claims for conversion and civil conspiracy. The following claims are **DIMISSED WITHOUT PREJUDICE**: Fourth Amendment false arrest claim arising from the August 2023 arrest; Fourth Amendment malicious prosecution claim arising from the December 2023 dismissal of the charges; state law claim for false imprisonment arising from the August 2023 arrest; state law claim for malicious prosecution arising the December 2023 dismissal of the charges; and state law claim for intentional infliction of emotional distress.

2. The remainder of the Motion is **DENIED** for the reasons stated in the Court's accompanying Memorandum.

3. Defendant Cody Simcox shall file a responsive pleading in accordance with Federal Rule of Civil Procedure 12(a)(4).

4. McCary's Motion to Appoint Counsel and Motion for Counsel Reconsideration are **DENIED AS MOOT**.

5. McCary's Motion for Extension of Time is **DENIED AS MOOT**.

6. McCary's Motion to Add Delaware County Back is **DENIED**.

**BY THE COURT:**

/s/ John Milton Younge  
**JOHN M. YOUNGE, J.**